IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2134 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 2136 OF 2005

Mr. Yogesh Wadhwana ...Petitioner

Versus

Mr. Nitin Goel & Anr ...Respondents

ALONGWITH
CRIMINAL WRIT PETITION NO. 2135 OF 2005

Mr. Yogesh Wadhwana ...Petitioner

Versus

Mr. N. Das & Anr ...Respondents

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Mr. G.R. Sharma, Advocate for Petitioner
Mr. D.P. Adsule, APP in W.P. No. 2134 of 2005.
Mr. Y.S. Shinde, APP in W.P. No. 2135 of 2005.
Mr. Rajesh More, APP in W.P. No. 2136 of 2005.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 8TH SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner has prayed for quashing of process issued against him in Criminal Case Nos.2867/SS/2005, 2864/SS/2005 and 2865/SS/2005 which are pending in the Court of learned Special Metropolitan Magistrate, 25th Court, Small Causes Court, Mumbai. In the said cases, process has been issued against the petitioner under Section 138 r.w. 141 of Negotiable Instruments

Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of four weeks from today. I am informed that the date before the trial court is on 28.9.2005. In view of this statement, the trial Court shall not proceed with the trial on 28.9.2005 and for a period of two weeks thereafter.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petitions are disposed of.

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